G. R. S. 59] (14) GPB—15,000—20-12-13

GENERAL AND REVENUE SECRETARIAT.

1903

(Police)

File No. 74 of 1903.

Serial Nos. 1—4

Papers Filed.

Month December 1903.

SUBJECT.

Escorting charges of a prisoner arrested at Bangalore and taken to Trivandrum for trial

PREVIOUS REFERENCES.	LATER REFERENCES.
Indexed	B. N. Narasimha Aya

Office of the Dewan of Mysore.

File No. (if any)

Directions.

No., date and purport of receipts to be entered in red, and office note in black ink in order of dates.—To be written only on one side, and inside the line of margin.

Office Note.

Branch Judicial B

Subject Recording Charge of a prisoner arrested at Bangalore by a Constable of Madras Presidency and taken to Tindivanam for trial.

Endorsement No. 4428 dated 14th September 1903, of the First Assistant to the Resident in Mysore, on Letter No. 1261 dated the 14th August 1903, from the Dt Magte of South Arcot to the Hon'ble the Resident.

The Dt Magte of South Arcot forwards a petition from Saiyid Abdul Razak Sahib, Constable No. 754 of Valathi Police Station claiming Rs 3-5-0 from the Mysore Govt, being the Railway fare for a certain accused person whom he arrested at Bangalore on a warrant issued ~~for~~ by the Head Assistant Magte of Tindivanam before whom he was to be tried.

The Dt Magte of South Arcot states that under para 45 of the Manual of Procedure

relating to extradition
the Government of Mysore
should bear the cost of
batta to the prisoner,
and of escort charges. and
that the Magte (Bangalore)
refused to pay the same
directing the constable to
meet the expenses out of
his pocket and to recoup
the amount there

The reference quoted by the
Dt Magte is not available,
but the rule applicable to
the case is contained in
para 2 of the chief Comrs
Notification of 21st January
1879, which is as follows:-
'Warrants, other than those
issued under the provisions
of Act XIII of 1859 will be
executed by Police Officers
in Mysore, and the persons
arrested under such warrant
will be conveyed by them
to the frontier and handed
over to the nearest Police
Station within British
Territory where arrangements
will be made to receive
all prisoners so delivered

In

x Hyd A

"In these cases the cost of batta to the prisoners and of the guards required to escort them to the frontier, will be borne by the Mysore State

Thus it is clear that the Mysore State has to bear the cost of feeding and escorting to the frontier, prisoners arrested by the Mysore Police under warrants of Magistrates of the Madras Presidency

The nearest British frontier where relief could be got is Kuppam on the Bangalore branch, Madras Railway

In the case under adverse the Police Constable claims payment of Railway fare only of the prisoner from Bangalore to Tindivanam, while under the rules in force, the Mysore State has to bear the charges of the prisoner and the guard up to Kuppam, the nearest frontier station, if the arrest was made by the Mysore Police Subordinates for orders as to whether the Dt Magte may be asked to submit a report

** Vide Flag B.

Y Q

the matter.

4

Let there be a report
18/9/03 first of the Civil Cases under
which judgment for the Rs 1 fare
was refused & also information
as to whether the arrest
was by the Police Constable himself,
or by the local Police with his help.

Draft.

19.9

Draft filed

18/9/03

Draft received from the Dy Magte
in reply
regarding that the Madras
Constable did not ask for
any money and that the
arrest was by the Madras
Constable himself.

Submitted for orders with a
draft to Residency.

Perhaps the City Magte should
have taken Rs 3 & handed over
the accused besides the Civil Bailiff's
Fee, (Vide para 2 of the Dy Magte's
letter No 3386-219-00 of 14-7-03. Page 6)
in which case there would have been
no railway fare to give. But
we need not refer to this in our letter to
the Resdt.

17.11.03

20/11/3

Mr Deveran.
Herewith the
2nd Councillor
Min 11/03

20/11/03
(misplaced)

5

Our Police and Magistrates were alike wrong. The claim strictly speaking was impossible to say nothing of the irregular action on the part of the British Police Constable - But are you satisfied that the only proper one to take - could you not make it stronger or clearer the claim?

There is however the case of Ramsay, viz. that the only of the Local Police Magistrates apply in terms only where arrests are made by themselves, or which was not the case here

21/11/03

The only way in which the case can be made stronger is, I think, by omitting mention of the fact that the prisoner was produced before the City Magte, - as this is a detail which does not obliterate the Constables original illegal act. The Records would then be to the effect that the Constable took it upon himself to arrest the accused without reference to the Local Police, that his act was illegal, & that, under the terms of the Ch: Commrs Order no fine or penalty incurred in the matter is payable by the debtor

A Redraft as above is submitted.

23/11/3

25/11

Hy

Asst Secy & Counsellor

Hy

27/11/03

521

26-11-03

2. Return the revised draft as corrected

27/11/03

5

the circumstances of the case are such that ~~I would~~ the claim should be allowed and the irregularity pointed out. This is a small matter - all that is required is that we should draw attention to the fact that the claim is not strictly speaking admissible - ll

27 - 11 - 03

Submitted herewith.

14335
28.11.03.

SECTION Police

FILE No. 7 Bands 1902-3

SERIAL No. 1

J 385 — 17-8-03

From

THE FIRST ASSISTANT TO THE
HON'BLE THE RESIDENT
IN MYSORE.

To Pol: 4:22.

THE DEWAN OF MYSORE.

Dated 14.9.03

Despatched

Received

General No. 4428

No.

Enclosure No: 1

Requesting that an enquiry may be made in the matter of payment of Salla to Constable No 764 of Malathi police Station and the recall intimated to the Resident.

References to be marked.

Refd to Pol 17.9.03

Rec'd 14/9/03 1297 3/14.9.03

Letter No. 1261 Mag:, dated the 14th August 1903, from the District Magistrate of South Arcot, to the Hon'ble the British Resident.

I have the honour to forward herewith a petition presented by Saiyid Abdul Razak Sahib, constable No 754 of Valathi police station, to the Head Assistant Magistrate of the Tindivanam division in this district and to state that the constable armed with a warrant issued for the arrest of one Dharmalinga Udaiyan of Sathambadi, accused in C.C. No. 162 of 1903 (a case under section 500 I.P.C.) on the file of the Head Assistant Magistrate proceeded to Bangalore, where the man was supposed to be hiding, and there arrested him and produced him before the Magistrate at Bangalore on 21st May 1903.

2. Under para 45 of the Manual of Procedure Relating to Extradition the Government of Mysore should bear the cost of batta to the prisoner and of escort charges, but the Magistrate, it is represented to me, refused to pay the same and directed ~~th~~ constable to meet the expenses out of his pocket and recoup the amount here. The constable has thereby incurred an expenditure of ₹3-5-0 (railway fare for the accused from Bangalore to Tindivanam) which he now claims. I request that you will be so kind as to cause an inquiry to be made in the matter and inform me of the result.

---------oOo---------

P. T. O.

The Mysore Resident's Office,

No. 4428

Bangalore, 14 September 1903.

Copy of the foregoing letter, with its enclosure, in original, is forwarded to the Dewan of Mysore, with the request that an enquiry may be made in the matter and the result intimated to the Resident.

First Assistant Resident.

04551.

15.IX.03

VS.

SECTION Police 1903/04

FILE No. 7408

SERIAL No. 2

1902.

From

H. V. NANJUNDAYYA, Esq., M.A., M.L,
Secy. to the Govt. of Mysore,
Gen. & Rev. Depts.

To

The District Magistrate of
Bangalore.

Dated Bangalore, 23rd September 1903.

Despatched

Received

General No. 687

No. J. 7. 174 1899-00

Enclosure No. 4 Encls

In forwarding herewith copy of letter No.1261-Mag dated the 14th August 1903, from the District Magistrate of South Arcot to the Honourable the Resident in Mysore re Railway fare of an accused named Dharmalinga Udaiyan from Bangalore to Tindivanam, and its enclosure in original, has the honor to request that the District Magistrate will be so good as to submit at a very early date a report as to the circumstances under which payment of Railway fare was asked for and refused; and also information as to whether the act of arrest was by the Madras Constable himself or by the local Police with his help.

By Order

For Secretary

MGCPE—500—26-9-02.

Jud. Police
23/9/03
For very early enquiry
& report
Sd/-
26/9

No. 261
Forwarded to the City Police
for early report
26/9/03.

W. 29/9/3

to be returned when no longer required.

Jud. 214 / 26/9/03 Memo J. 443 / E-2

Forwarded, with the enclosures, to the Assistant Superintendent of Police, Bangalore, for information submission of a very early report in the matter.

These papers, have to be returned, with his detailed report.

Sd/- Illegible
Deputy Commissioner
Bangalore Dist.

25.9.03

4200 284/MCR

Dno 20

I beg to submit that there is no reference of any such warrant having been received in the limits of the Bangalore city and to point out that the Inspector's report to the Hd Constl mentd dated 18-7-03 shows that the manoeuvres taken from Cantonment Railway Station and this reference may therefore be forwarded to the D-S-P. C. Cm. Station

1-10-1903

V Gopalakrishna
City Inspr

5

Letter No.1261 Mag. dated the 14th August 1903, from the District Magistrate of South Arcot, to the Hon ble the British Resident.

Enc to Gr

—

I have the honour to forward herewith, a petition presented by Saiyid Abdul Razak Sahib, constable No.754 of Valathi Police Station to the Head Assistant Magistrate of the Tindivanam Division in this district and to state that the constable armed with a warrant issued for the arrest of one Dharmalinga Udaiyan of Sathambadi, accused in C.C. No.162 of 1903 (a case under section 500 I.P.C.) on the file of the Head Assistant Magistrate, proceeded to Bangalore where the man was supposed to be hiding, and there arrested him and produced him before the Magistrate at Bangalore on 21st May 1903.

2. Under para 45 of the Manual of Procedure relating to Extradition the Government of Mysore should bear the cost of batta to the prisoner and of escort charges, but the Magistrate, it is represented to me, refuses to pay the same and directed the constable to meet the expenses out of his pocket and recoup the amount here. The constable has thereby incurred an expenditure of Rs 3-5-0 (railway fare for the accused from Bangalore to Tindivanam) which he now claims. I request that you will be so kind as to cause an enquiry to be made in the matter and inform me of the result.

" Copy "

M. Chandrasekharan

For Secretary.

41

MYSORE GOVERNMENT
12-11-03
1903
GENERAL & REVENUE SECRETARIAT

9 746
12.11.03

SECTION Police
FILE No. 7403
SER'AL No. 3

From
The Asst Magistrate
Bangalore Dt

To
The Secretary to the Govt
of Mysore
Rev Genl Depts
Home Laws

Dated 11/11
Despatched 12/11
Received

General No.
S No. 1430

Enclosure No one file

Secy's docket No 687 of 23 W
8717 1-99-0

Sehl Laws.

Submits report regarding the circumstances under which the payment of railway fare of an accused named Dharmalingaiyangar was asked for and refused.

MGCPB—50 reams.—6-12-02.

6

Extract 430
Sm. au. file

Bangalore District
District Magistrate's Office
Bangalore 11th November 13.

From,

J. St. Sharkey Esq
District Magistrate
Bangalore District

To.

J. V. Ranjundayya Esq Attach
Secl to the Govt Sanitary
Revenue Genl Depts.

Sir,

In acknowledging the receipt of your letter No 687/37.17 dated 23rd September 1913, in re the arrest of one Dharmalinga Udayar, and requesting to be informed under what circumstances the payment of Railway fare for the transmission of the said Dharmalinga from Bangalore to Tindivanam was refused

refused and whether the ~~[illegible]~~ of arrest was by the Madras Constable himself or by the local Police with his help, I have the honor to state that the Assistant Superintendent of Police, Bangalore District, reports in his letter No 381 dated 17th October 1903, that the Madras Police Constable — Abdul Razack arrested the said Dharmaling, a Malayan on the 20th May 1903, Kept him in the Chamarajpet Police Station on the said night and produced him before the City Magistrate, Bangalore, the next day. The Magistrate ordered the Constable to take the arrested person to the Court which issued the warrant for his arrest.

2 Further, the City Magistrate in his memo No 173 of 24th October 1903, states that none

Crime asked him for any money. It

therefore appears that the Madras

constable did not ask for any money.

The reports show that the arrest was

by the Madras constable himself.

3. The entire correspondence during

with the City Magistrate's memo No 173,

dated 24th October 1903, including the

enclosures received with your letter referred

to above are herein enclosed for

information

I have the honour to be,

Sir,

Your most obedient Servant

Little Sparke

District Magistrate

1903-04 — 79341 — E-4

190

From A. V. Krishnamurthy Esq
Bar
Asst Supt of Police
Bangalore district

To
A. A. Sparkes Esqre
District Magistrate
Bangalore

Dated 17th October 1903

Despatched

Received

General No. 381
No.

Enclosure No. 4

Sir

With reference to your memo No 443/E2 - regarding the docket No 687/317 of 1899-00 received from the Secretary to the Government of Mysore, I have the honor to intimate that it is reported that constable No 754 Ahmed Sayeed of Cubbon Police station of Bangalore arrested one Dharmalinga Udayan under-

1903-04 — 79356 — E-4

Ret to SB

Ret 24-10-1903 Jud

Jud No 539 E-4
26/10/03

Forward to City Magr for explanation

Asst Secy
27/10/03

Submitted No 173

I do not think I sent the Magistrate referred to in the Constable's (Sami) Petition - If he had applied to me for any money I would have referred him to the City Police as has been hitherto the case -

24-10-03

Let him have 25/10/03

10

under a Magisterial warrant of Chamarajpet on the Evening of the 20th May 1903 and produced him before the Police Station at Chamarajpet with a report requesting to confine the prisoner in the lock-up for the night and to obtain the orders of the City Magistrate to take the prisoner with him. The Prisoner was accordingly confined in the Chamarajpet Station lock-up on the night of the 20th May 03 and produced before the City Magistrate on the next day (21st May 1903) who directed the constable to take the prisoner with him and to produce him before the court which issued the warrant directing his arrest. The prisoner was accordingly taken by the constable and that the latter knew afterwards to the City Magistrate for any advance of money and the Police had no instruction to escort the

said Channabasiga Adagam. He is further stated in the letter No 1261 dated the 2nd June from the District Magistrate South Arcot that the City Magistrate before whom the prisoner was produced refused to pay the cost of watta & the Interest of Court charges. I therefore request that the City Magistrate may be kindly addressed on the subject. The original records received with the above are herewith Enclosed.

I have the honor to be
Sir
Your most obedient
Servant

N. V. Ramachandra
Chief Inspector of Police
Bangalore District

and there for 1/2 by Railway fare. No 4. and complains that the same was deducted from his pay and returned to the Paid Supdt C & Ry. station for acquainted of the advance

The Asst Police Inspector Bangalore upon the Report must be considered

Submitted for kind information

Sd/ [illegible]

No 296 / E 3

dt 31/

forwarded to the Asst Inspector for enquiry this translation of the Tamil paper will help him to make a full report

[illegible]

[illegible]

[illegible]

10-10-03

No 345 dated

Report

Dharmalinga Udayan [illegible] herein referred to was arrested on 20th may 1903 under a warrant from the Joint magistrate of Tiruvannamalai brought by Const. no 754 Abdul Razak of Valatti P.S. Station South Arcot Dist. He was placed before the city magistrate on the 21st may 1903 who directed the British P.S. Constable to take the said individual the city P.S. had thereon

and this fee for 1/2 Rail
Railway fare. No 81. and
complains that the same
was deducted from his
pay. and returned to the
Dist Supt of C & M. station
for acquainted of the
advance

The Asst Dist Supt
Bangalore upon the
Subject must be consulted

Submitted for
kind information

[illegible]
Superintendent

No 296
E 3

Forwarded to the Asst
Inspector for enquiry.
This translation of the
Tamil paper will help him
to make a full report
in the

[illegible]

11 CV
10.10.03
No 345
Dated.

Report.

Dharmalinga Udayan, [illegible] of 1070
herein referred to was
arrested on 20th may 1903
from the Joint magistrate of Tiruvannamalai
brought by Const. No: 754 Abdul Razak
of Valatti Police Station South Arcot Dist
He was placed before the City magistrate
on the 21st may 03 who directed the
British Police Constable to take the said
individual to the city Police had therefore

13

no instructions to escort the
said Dharmadeepa Sudayan.

13-10-03 V. Gopalakrishna
Addl Supdt

14/10/03

SECTION Police

FILE No. 4408 B

SERIAL No. 4 To

14

The F.A.Resident in Mysore.

Date

No. 1120

J.F 17-99

Sir,

Adverting to your Endorsement No. 4428 dated 14th September 1903, regarding a claim for payment of the Railway fare of an accused named Dharmalinga Udaiyam, said to have been incurred by Constable Abdul Razaak of the Valathi Police Station, I am directed to state that from enquiries made by the District Magistrate of Bangalore it is understood that the Constable in question took it upon himself to arrest the accused in Mysore Territory without reference to the local Police. His act being illegal, the Darbar consider that the case is one to which para 2 of the Mysore Chief Commissioner's Order No.8761/Judl.12 dated 21st January 1899 (regarding payment by the Darbar of charges connected with the conveyance of persons arrested by the Mysore Police and conveyed to the frontier) can clearly not apply, and no part of the expense incurred in the present instance is payable by the Darbar.

2. The enclosures to your endorsement under reply are also returned.